

### **REMARKS**

Claims 31-33 are pending in the application. Claim 31 is unamended. New claims 32 and 33 were added to further define the present invention. Claims 1-30 were previously cancelled.

For at least the reasons set forth below, withdrawal of all outstanding rejections is respectfully requested.

### **Prior Art Rejections**

Claim 31 was rejected under 35 U.S.C. § 102(a) as being anticipated by JP 2002-237051 (Kenya).

#### **1. Patentability of independent claim 31 over Kenya**

Claim 31 recites, *inter alia* (underlining added for emphasis):

a shortest recording mark and a second shortest recording mark are constituted of a single pulse, respectively.

Claim 31 recites that a shortest recording mark and a second shortest recording mark are constituted of a single pulse. This limitation is not disclosed or suggested in Kenya.

The Examiner states that Figs. 2-8 and paragraphs [0033] to [0050] of Kenya disclose the claimed shortest recording mark and second shortest recording mark that are constituted of a single pulse. However, Kenya does not disclose a second shortest recording mark that consists of a single pulse. Figs. 2, 5 and 6 of Kenya each disclose a shortest mark 3T that consists of a single pulse A and a second shortest mark 4T that consists of two pulses A, B. Additionally, paragraph [0024] of Kenya discloses that the recording mark which has a length of 4T has both a heating pulse B and a head heating pulse A. Unlike Kenya, claim 31 of the present invention recites a second shortest recording mark that consists of a single pulse. Preferred embodiments of this limitation are shown in Figs. 9-11 and 15-17 of the present application. Nowhere does Kenya disclose a second shortest recording mark that consists of a single pulse. For this reason, Kenya does not disclose or suggest the invention recited in claim 31.

Accordingly, claim 31 is believed to be patentable over the applied reference.

2. Patentability of the dependent claims

The dependent claims are believed to be patentable over the applied reference for at least the reason that they are dependent upon an allowable base claim and because they recite additional patentable elements and steps.

**Conclusion**

Insofar as the Examiner's rejections were fully addressed, the present application is in condition for allowance. Issuance of a Notice of Allowability of all pending claims is therefore requested.

Respectfully submitted,

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